

REMARKS

Claims 1-16 and 29-40 were pending. All non-elected claims have been canceled. The remaining claims have been amended and cancelled as noted above. New Claim 41 has been added. Re-examination and reconsideration of the claims, as amended, are respectfully requested.

As an initial matter, Applicants confirm the election of Species / Group II which reads on Claims 37-40. All other claims are now canceled, although a new independent claim 41 has been added.

Applicants note the objection to the drawings. The corrected drawing page is attached.

Claims 37-40 were rejected as being anticipated by Yoon Patent U.S. 5,620,452. Such rejection is traversed in part and overcome in part.

While Yoon does illustrate surgical clips including penetrating elements for holding the clips on to a target location, nowhere does Yoon describe a preferred embodiment of the fastener of the present invention which includes a pair of laterally spaced apart penetrating elements positioned so that they will hold the valve together near its posterior side (open side of the valve). As can be seen in Figs. 21-23 of the present application, attachment of the valve near the opening allows the valve to function properly while reducing the likelihood of regurgitation. Use of the clips of Yoon, which are much longer and would collapse the mitral valve along a much longer axial length, would not be advantageous for securing coapted valve leaflets.

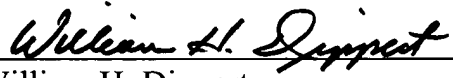
To more clearly distinguish the teachings of Yoon, Applicants have amended independent Claim 27 to recite that the first plate has a pair of laterally spaced apart penetrating elements and is free from additional penetrating elements spaced in an axial direction. This claim which reads on the embodiment illustrated in Figs. 21-23, is particularly suitable for engaging and holding the mitral valve leaflets near their open ends to effect proper repositioning of the leaflets.

Applicants have also added new Claim 41 reciting the preferred dimensions of the clip. Such dimensions are nowhere taught or described in the Yoon patent.

Based on the above amendments and remarks, Applicants believe that all claims as amended are in condition for allowance and request that the application be passed to issue at an early date.

Respectfully submitted,

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